

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EUGENE E. TURNER, pro se,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE
(USPS), and FEDERAL BUREAU OF
INVESTIGATION (FBI),

Defendants.

Case No. C07-5008RBL

ORDER TO SHOW CAUSE

THIS MATTER comes on before the above-entitled Court upon Defendant FBI's Motion for Summary Judgment [Dkt. #26].

Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The defendant Federal Bureau of Investigation ("FBI") filed a motion for summary judgment and properly noted it for October 19, 2007. Under this Court's local rules, plaintiff's opposition to the motion was due on October 15, 2007. CR 7(b)(2), Local Rules W.D. Wash. The docket reflects that plaintiff has failed to file any opposition to the motion. Id. ("If a party fails to file papers in opposition to a motion, such failure may be considered by the court as an admission that the motion has merit.") The Court prefers to rule on the merits of matters before it; therefore, plaintiff will be given an opportunity to explain to the Court why he did not file an opposition to the motion, and to file a substantive opposition to defendant's motion for summary judgment.

1 Plaintiff shall Show Cause in writing on or before November 5, 2007 why he failed to file a timely
2 opposition to defendant's motion and why defendant's motion for summary judgment should not be granted.
3 The Court will re-note the motion for November 9, 2007 thereby allowing defendant to file a substantive reply
4 to plaintiff's opposition, if any. **Plaintiff is hereby cautioned that the failure to obey this Order to Show**
5 **Cause will result in the dismissal of his case.**

6 **IT IS SO ORDERED.**

7 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
8 pro se.

9 Dated this 22nd day of October, 2007.

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12 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
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